

ORIGINAL

JEFFERSON PROVING GROUND  
RESTORATION ADVISORY BOARD HEARING

DATE: March 10, 1998  
TIME: 7:00 P.M.  
PLACE: Library  
North Vernon, IN 47265  
PRESENT: Paul Cloud, Co-chair  
Richard Hill, Co-chair  
Mike Early  
John Manley  
Karen Mason-Smith  
Sharon Shields, Reporter

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**Sharon Shields**

*S.A.S. Reporting Service*

3650 N. Old SR 62, Madison, IN 47250

Business: (812) 265-2994

Fax: (812) 273-5220

1           A public hearing of the Jefferson Proving Ground  
2 restoration Advisory Board meeting was held in the Library  
3 at North Vernon, In at 7:00 P.M. on March 24, 1998.  
4  
5

6           **OPENING STATEMENTS BY MR. PAUL CLOUD:**

7           I would like to get started. I would like  
8 to welcome everyone, those that are here, and encourage you  
9 to sign in on the attendance sheet to make sure that we do  
10 have your name on that so we can keep you advised of any  
11 other meetings or availability of documents. I would like  
12 to introduce myself. I'm Paul Cloud from the Army, the BRAC  
13 environmental coordinator tasked with working with the State  
14 EPA on clean up of Jefferson Proving Ground from an  
15 environmental prospective. I am the Army's co-chair for the  
16 Restoration Advisory Board. To my left here is Richard  
17 Hill, who is the community co-chair. And Richard will have  
18 some introductory remarks in a moment. To his left is John  
19 Manley from the State of Indiana Department of Environmental  
20 Management. I haven't seen Karen yet. She's from the EPA  
21 Region Five (5). Hopefully she will be able to make it here  
22 before the meeting is concluded. I have a small mechanical  
23 difficulty in our presentation so I won't be using the  
24 computer and the projector. I will just be - make sure you

1 have a copy of the hand out that involves slides we were  
2 going to show tonight. So you won't see anything in color  
3 but if you have any questions as we go through them you can  
4 just ask them as we go along. To my right here is Mr. Mike  
5 Early also from the Army Test and Evaluation Command at  
6 Aberdeen where I work. He is Base Transition Coordinator.  
7 He works with the community on the re-development of the  
8 cantonment area. And also any future lease of the Proving  
9 Ground in general. With that I don't have anything else  
10 other than to make sure that everyone feels welcome. Make  
11 sure that if you haven't got a card you can take one of  
12 Mike's cards and my card and also sign in and we will go  
13 from there. Richard do you have any opening remarks?

14  
15 **OPENING STATEMENTS BY MR. RICHARD HILL:**

16 I would just like to along with Paul  
17 welcome everybody for coming out tonight. And be sure that  
18 you do have your copies of your over heads since we don't  
19 have the projector. Also in case we forget it again there  
20 is a sheet back there that has the RAB meeting times and  
21 dates for the rest of the year back there too. So you can  
22 pick one (1) of those up and make sure that you know when  
23 they will be coming up. Put them on your calendar and I  
24 don't really have anything else right now.

1                   **MR. PAUL CLOUD:**

2                   If you look on the agenda the first thing  
3 we would like to go over is the status of the unexploded  
4 ordnance removal south of the firing line. As we said in a  
5 number of previous meetings the Corps of Engineers did an  
6 archives search report back in 1995. They identified areas  
7 in the cantonment parcels specifically, but the whole - they  
8 did search on the whole Proving Ground where UXO, unexploded  
9 ordnance, was either suspect or known to be. In the  
10 cantonment area they identified twenty-two hundred (2200)  
11 acres. The Army's commitment to the community was to do a  
12 four (4) foot removal effort there. And anything below that  
13 as far as re-use that would require a deeper depth would be  
14 paid for by that particular user. The next slide that you  
15 really can't see because it didn't come out very well, it  
16 does show the schedule. Basically the schedule would have  
17 shown that the archives search report was completed in early  
18 '95. Subsequent to that in '96 there was a hundred (100)  
19 acre parcel that was completed and that hundred (100) acre  
20 parcel was below the housing area, the housing loop in the  
21 cantonment area. That has been done. The - Mr. Ford and  
22 his company have been given access to that property now.  
23 The lease was amended. Any - any area that has a potential  
24 for UXO is prohibited from or has access restrictions to

1 that area until we complete either the environmental clean  
2 up or the UXO or both as the case may be. On this  
3 particular hundred (100) acre portion the only issue was  
4 potential UXO. When that effort was completed we certified  
5 that and we had a statement of clearance and then the lease  
6 was modified and he now has access to that particular  
7 acreage. Below that you would see areas on the airfield  
8 which is currently in the process of wrapping up. That  
9 effort has been going on for about the last six (6) or seven  
10 (7) months. It started late last summer. That's an effort  
11 that covers about eight hundred (800) acres. And they have  
12 been working on that. They have a few areas left to do.  
13 That will probably be completed within the next couple of  
14 weeks. And then they will write their report, it will be  
15 reviewed. If the Army accepts it then there will be another  
16 statement of clearance and Mr. Ford will have access to that  
17 area also. Next area below that is commonly referred to as  
18 east area south of Krueger Lake. That area just started a  
19 few weeks ago. That's approximately another eight hundred  
20 (800) acres. We expect that effort to continue until  
21 probably late summer to be complete. Once that effort is  
22 complete again there will be a report that is generated for  
23 review and if it is found acceptable there will be another  
24 statement of clearance and Mr. Ford will have access to

1 those acres that don't have any environmental contamination  
2 on there. I think there are some areas that both - in those  
3 areas that do have some environmental issues that will have  
4 to be resolved before he gets access to specific acreages.  
5 Last parcel is the western parcel that has been part of the  
6 community's request for a potential park that they  
7 subsequently modified and withdrew from. That will be the  
8 last parcel that will be worked. That parcel still belongs  
9 to the Army. It is not part of the lease in furtherance of  
10 conveyance and is not part of that bid although should it  
11 come available Mr. Ford does have the right of first refusal  
12 on that. If you would turn to the next page you can see a  
13 brief description of the things that were found in the  
14 various parcels. Before you go any further I would like to  
15 introduce Karen Mason-Smith from USEPA, Region Five (5),  
16 Chicago. Glad you could make it Karen. I know it's the  
17 first time here so I thought you might have a problem.

18  
19 **MS. KAREN MASON-SMITH:**

20 Thank you. I went down too far.

21  
22 **MR. PAUL CLOUD:**

23 Karen - just for your information if you're  
24 not aware, Karen, John and I comprise what's called BRAC

1 Cleanup Team. Between the three (3) of us we come to a  
2 consensus on the levels of cleanup in the various areas at  
3 the Proving Ground or the various types of re-use that will  
4 be employed. When those things are done by the Army,  
5 regulators review it and concur with the results then they  
6 are made available to the re-user for each particular  
7 effort. And that's where the risk of contamination is. If  
8 there's not contamination then there's not an issue. To get  
9 back to the slide or the sheet that we are on you can see  
10 there that the hundred (100) acre parcel was completed in  
11 June of '96. There were a lot of practice rounds destroyed  
12 that were inert. There was one (1) potential fuze-booster  
13 that had suspected high explosives on it that was destroyed.  
14 And we found a lot of scrap, over nine (9) tons of scrap in  
15 fact. The thirty(30) acre parcel was an area adjacent to  
16 this thing. There was a surface sweep done on that because  
17 we found some mortars that were on the surface. That was -  
18 that effort, the surface sweep was completed in April of  
19 '96. You will see a number of items that were - I'm sorry,  
20 the thirty (30) acres in the - is in the northeast quarter.  
21 That's two (2) very small pie slices that were basically  
22 around where the ammunition bunkers area, in that general  
23 area. But see that? There were some items found there and  
24 also a lot of scrap. That effort has been completed. As

1 soon as they repair the road which we had to dig up in  
2 certain places because there was suspected UXO under that  
3 road we should finish that effort up. The eight (8) acre  
4 parcel with the surface sweep and that was immediately  
5 adjacent to the east of the hundred (100) acre parcel. We  
6 found some mortars on the surface there and so we did a  
7 surface sweep back in the summer of 1996 and found four  
8 hundred and seventy-five (475) mortars. Of that four  
9 hundred and seventy-five (475) only three (3) were suspected  
10 of having high explosives. That same area is being gone  
11 over now as part of the eight hundred (800) acre area south  
12 of Krueger Lake. They will do to a depth of four (4) foot  
13 clearance on that parcel now. So that's not complete yet.  
14 The next slide shows the airfield area status. This is  
15 current to last week as far as the number of items that were  
16 found and the number of items that are suspected of  
17 containing high explosives. Also the area south of Krueger  
18 Lake that - those numbers are current as of the end of last  
19 week also. I get a report every week from Huntsville Corps  
20 of Engineers that I provide to the state and the federal EPA  
21 and share that information so they know the progress that's  
22 being made as far as what's being found and where it's being  
23 found. Then again the last item that we'll be working on at  
24 the start of next year, 1999, will be the western park



1 parcel as referred to that's on the western side of the  
2 airfield. Are there any questions about the UXO removal  
3 effort that we're currently working on or plan to go on?  
4 Okay. What I would like to do now is turn the meeting over  
5 to Richard and he will talk about another subject, the  
6 technical assistance for public participation. Richard?  
7

8 **MR. RICHARD HILL:**

9 Thank you Paul. Okay. As Paul said I'm  
10 going to talk about - I don't know if I need this in this  
11 small room but I will use it anyway since it's here. What I  
12 want to talk about tonight is this technical assistance for  
13 public participation program. And if I - I've been in  
14 financial aid meetings all day today. We have this program  
15 called tuition assistance plan which is also TAPP, so if I  
16 say anything about tuition ignore it okay? Bear with me.  
17 Okay. So I just want to say a little bit about probably  
18 each of the copies on the over head that we have. We don't  
19 have the over head up here but on the second page of this -  
20 I'll tell you when I turn the page - are the basics of the  
21 TAPP Program. I'm not going to read all the things to you  
22 because I figure you can read those. These are some of the  
23 things that we're going to go over here. So the next page,  
24 TAPP, what is it? Well as you can see there it's basically

1 a program to - it's a funding program to help RABs like  
2 ourselves to get independent assistance from an outside  
3 source. And we will go on over just a little bit, what kind  
4 of assistance can we get? We'll be talking about scientific  
5 and engineering assistance as far as restoration. And it is  
6 - its goal is to help the public in its decision making. So  
7 on the next page TAPP, who's it for? Well like I said it's  
8 for the RABs and it's particularly for the community RAB  
9 members which would be - we would definitely qualify there.  
10 And we have to show need for the - for the assistance. And  
11 also we have to have a majority of the community members of  
12 the RAB to agree that they want to tap into this TAPP  
13 Program. So what I would like to do sometime - I really had  
14 planned on trying to do this even last month sometime or  
15 maybe even this coming month since this one (1) is almost  
16 over, sometime in April is to call all the community RAB  
17 members and set up a meeting where we can set down as just a  
18 small community RAB member group and discuss whether or not  
19 we want to get into this kind of funding, what we want to  
20 use it for, and that sort of thing. If we want to do that  
21 we would have to make that decision and we should do it real  
22 soon. If anybody has any - wants to stop me to ask me any  
23 questions along the way, I forgot to mention this, just feel  
24 free to do that. Now on the next page it is just some

1 details about how the TAPP Program began. And the final  
2 rule is out now so I don't need to go into where it came  
3 from and all the steps we went through to get us to that.  
4 The next page, the requirements of the NDAA of '96, National  
5 Defense Authorization Act of '96, where this comes from.  
6 And it lists there a couple of the requirements. RAB could  
7 be in a position where maybe there is no technical expertise  
8 that is needed for achieving technical assistance or more  
9 likely probably in our case than in probably just about any  
10 RABs case, the second bullet there, showing that technical  
11 assistance will help contribute to the efficiency of the -  
12 and effectiveness of the restoration. And also help to get  
13 the community more accepting of the activities that are  
14 going on. So on the next page what we have is other sources  
15 of technical support. This is talking about sources other  
16 than what we can get through the TAPP from - from  
17 independent ah help. So of course that just lists some  
18 possible sources of support there. On the bottom part there  
19 the EPA, the technical assistance grants. I believe - if  
20 I'm not mistaken those are for national priorities listings  
21 and so that wouldn't really apply to JPG. The technical  
22 outreach services for communities, TOS. That may but that's  
23 a little different kind of thing. So the next page TAPP,  
24 how is the assistance provided? Well the installation

1 procures a technical assistance provider. And this is a  
2 list of things that we have to - well first there has to be  
3 a demonstrated need. And it goes through a process of using  
4 government purchase orders. It's supposed to be on some  
5 kind of a fast track paying process which would hopefully  
6 get funding quicker than what I would say would be the  
7 normal government red tape channels we think. We could see  
8 if we tried it and see if it works. Let's see. I think one  
9 (1) of the more important points on here, the community  
10 members would have an input on selecting what - what  
11 engineering firm or consultant that does eventually get  
12 hired. They have the input. It may not eventually come out  
13 to be the one (1) of their - their choice but they do have  
14 input on that. And this spending for this funding is  
15 limited to twenty-five thousand dollars (\$25,000) or one (1)  
16 percent of the installation's projected environmental  
17 restoration cost, whichever is less. That's for each  
18 program - project that they use the TAPP for. And that  
19 would be limited to a hundred thousand dollars (\$100,000)  
20 over all for each RAB. So I'm assuming that a RAB couldn't  
21 get more than one (1) TAPP. I don't know if you call it  
22 grant but TAPP funding if that would be possible. Now some  
23 more important stuff probably. What kind of projects are  
24 eligible? That's on the next page, eligible projects. Some

1 of the kinds of things - I talked to - let's see about four  
2 (4) I think community RAB members and there's been varying  
3 degrees of interest in getting any of this kind of funding,  
4 all the way from I think it would be a waste of money to  
5 yeah I think that might be a good thing for us to do and we  
6 need to talk about it some more. But the kinds of things it  
7 can be used for is interpretation of technical documents.  
8 That could be things like the remedial investigation  
9 reports, things like that. And the other things that are  
10 listed down here. The things that have come up in my  
11 conversations with other community RAB members have been  
12 mostly the first and last things on this list. Of course  
13 many of these things are eligible and things that we can  
14 discuss. If we - I have had discussion with one (1) member  
15 about getting a firm to come in and train us to look at what  
16 to look for in these documents. And that sort of thing. So  
17 that may be something that we're interested in. The next  
18 page is ineligible projects. These are things that you  
19 can't do. And if you ask to get money for this you are  
20 going to get turned down. Litigation for any legal actions.  
21 They don't allow people to apply for money to turn around  
22 and sue the Army or something like that. That wouldn't go  
23 over too big. No political activity allowed. You can't  
24 actually use this - this funding money to go out and do new

1 tests to get new primary data. It's for interpretation of  
2 our existing data, training to help the RABs, to help  
3 explain things to them a little better. So a lot of RABs  
4 did not have people on them that have a lot of technical  
5 expertise in these areas, including ours. So it could be  
6 helpful in that way. Can't be used for re-opening any final  
7 decisions or health studies. I can't say epidemiological  
8 too well so let's kind of skip that or community outreach.  
9 That would be some other kinds of funds. Now the next page  
10 shows appeals processes - process, the appeals process. And  
11 this is - if we are to turn in an application and it gets  
12 turned down then this is the process that we would go  
13 through to ask them to please take a look at it again and  
14 try to justify it a little better and that sort of thing.  
15 So in summary the - it is for the community members of the  
16 RABs to get technical assistance and all these other things  
17 I've already mentioned. And the final rule has already been  
18 published and that was back in what, the beginning of  
19 February or something like that I believe when actually the  
20 final vote came out. So it's been there for a little while.  
21 Two (2) months now. Ah I have looked at the actual  
22 application itself. I have heard comments from people at  
23 other RABs that said they thought it looked a little  
24 formidable but a lot of it doesn't really look too bad to

1 me. Some of it is just basically signing off if you think  
2 you need help and the steps that we would go through if we  
3 wanted to do this. As I said we would have to get the  
4 community RAB members together to agree on a project and  
5 then fill out the application telling what type of  
6 assistance we want. We can identify providers for that,  
7 potential providers to offer that technical assistance, sign  
8 a certificate that these assistance sources don't exist  
9 currently and submit the application and see where it goes.  
10 So does anybody have any comments tonight about it or any  
11 questions? No? Okay?

12

13 **MR. TIM MALONEY:**

14 Richard?

15

16 **MR. RICHARD HILL:**

17 Yes Tim?

18

19 **MR. TIM MALONEY:**

20 So you do intend to further discuss this  
21 with the community members about pursuing this?

22

23 **MR. RICHARD HILL:**

24 I would like to since the funding is there

1 and there are some things that I think that we could use it  
2 for. And a couple of the other RAB members have expressed  
3 at least an interest in that yeah.  
4

5 **MR. TIM MALONEY:**

6 Yeah well I'm interested as well. So I  
7 would like to see us do that.  
8

9 **MR. RICHARD HILL:**

10 So we will try to set up a meeting next  
11 month hopefully early the first half of the month and do  
12 that. And it's always awful hard to get a day or night that  
13 everybody can get there but we will just do the best we can  
14 on that. Anything else? Okay. If anybody has any ideas  
15 let me know.  
16

17 **MR. PAUL CLOUD:**

18 Thank you Richard.  
19

20 **MR. RICHARD HILL:**

21 Thank you.  
22

23 **MR. PAUL CLOUD:**

24 The next item on the agenda is the status



1 of the transfer actions that have occurred at the Proving  
2 Ground. To give you a little background on what is involved  
3 in the transfer or lease of the property at a BRAC or re-  
4 alignment closure facility, the first few pages here will go  
5 over a little bit of background of just what is a - what's  
6 called Finding of Suitability to Transfer or FOST or called  
7 Finding of Suitability to Lease or FOSL. I don't want to  
8 read to you anymore than Richard did so if you go through  
9 the slides and you see something there that you would like  
10 to ask a question about just raise your - your hand and I  
11 will be glad to answer a specific question. But basically a  
12 FOST or FOSL are an environmental document that identifies  
13 the condition of the environment prospective of a particular  
14 parcel of property. Whether it's been cleaned up or if it  
15 had hazardous material stored on it, if there were any  
16 spills, what the condition of it is. If it hasn't been  
17 cleaned up will a lease hinder the future clean up of it?  
18 Those are some of the things that are considered when you  
19 get into that. To go a little bit further and more  
20 specifically on the next page for the FOST basically talks  
21 about whether or not the property is contaminated or if it  
22 was not - or if it was contaminated if it's been completely  
23 cleaned up? There has been a change in laws so that you can  
24 transfer property that has not been cleaned up called

1 deferred convent authority. That was a change in the  
2 SuperFund law last year. It has been used at least once in  
3 this state up at --  
4

5 **MR. JOHN MANLEY:**

6 Grisson Air Force Base.  
7

8 **MR. PAUL CLOUD:**

9 It's not a very easy process to go through  
10 and we don't know if it will be used here at Jefferson or  
11 not yet. But it is available. Basically it allows transfer  
12 of the property prior to clean up but it also requires  
13 certain mechanisms to be put in place so assure the clean up  
14 continues on even after it the service no longer owns that  
15 property. So it's - it's very case specific as to the  
16 facility and the types of contamination you're dealing with.  
17 I don't think that you would be able to compare a situation  
18 at Grissom to the situation at Jefferson. So just because  
19 it was done at Grissom doesn't mean it can necessarily be  
20 done as quickly or as easily at Jefferson. For FOSL again  
21 basically it says that property can be leased and some re-  
22 use can be initiated but any clean up that needs to be done  
23 may not necessarily have been done yet. And that this  
24 particular use of the property will not interfere or prevent

1 the clean up of the property. Those are some of the things  
2 that have to be analyzed before a lease will be approved and  
3 forwarded. On either a FOST or a FOSL when the draft  
4 document is written by the Army it is provided not only to  
5 the RAB but to the public for a minimum of thirty (30) days  
6 comment period. Any comments that are come - that we  
7 receive are evaluated and as applicable we will incorporate  
8 them into the document. The outstanding comments that are  
9 not resolved may in the process from the services to attach  
10 those for the record to the document and if it's acceptable  
11 by the authority that would sign the FOST or the FOSL, it  
12 would be approved. If not, then we will go back and try to  
13 resolve the outstanding issue. Some of the types of - on  
14 the next slide, some of the types of environmental  
15 contamination or conditions that are examined when you get  
16 into a FOST or FOSL are on the next sheet and you can see  
17 some of the classics here that are specific to JPG.  
18 Unexploded ordnance, PCB's, Petroleum and Products,  
19 Radioactive Contamination, Asbestos containing materials,  
20 those are something that's looked at from any facility, not  
21 just Jefferson, but a lot of them do apply at Jefferson.  
22 The next slide shows that when you get into a lease or a  
23 transfer you may have some restriction or condition that  
24 would apply for that lease or transfer. And these are some

1 of the things that may be applicable to a certain parcel  
2 that would be leased or transferred. It's going to be  
3 obviously parcels specific depending on what's there. So in  
4 some cases you might have one (1) or more of these and in  
5 some cases you may not have any. It just depends on the  
6 specifics of what's there or what might be there or what may  
7 be adjacent to the parcel. That's something that we try and  
8 look out. Okay the next slide shows basically the process  
9 that is gone through for a FOST and a FOSL as far as making  
10 a notification to the state and the federal regulators when  
11 we're working on a FOST or a FOSL. Once we've done that  
12 then we work with the regulators, the public and the re-  
13 development to try and get a document that will have minimal  
14 changes to it when it finally comes out and - for the  
15 comment period. And again once it has come out we allow  
16 thirty (30) day comment period. We review the comments.  
17 They're resolved and incorporated. That is usually the end  
18 of those specific comments. If they are unresolved then  
19 they're attached to the document and then the authority who  
20 would sign the document finds that acceptable then it's  
21 signed. If not then we would revisit that issue again. For  
22 JPG specifically we had one (1) FOSL, one (1) lease and a  
23 number of FOSTS or transfers that have - from the  
24 environmental prospective have been completed. The actual

1 lease and the transfer I will let Mr. Early talk about since  
2 that's his area of responsibility. But for the FOSL we have  
3 had one (1) signed. That was done back in May of 1996.  
4 That was for the areas south of the firing line and that was  
5 to the Ford Lumber and Building Supply. And as we clean up  
6 those areas we will be working on the transfer of specific  
7 areas within the cantonment area. For FOSTS that have been  
8 completed we've done actually four (4). There are three (3)  
9 here and one (1) on the next page that I will update at the  
10 next RAB meeting. The first FOST that was actually done was  
11 the pump station downtown in Madison. That was signed in  
12 1996 but it took some time to get the actual transfer done  
13 as you can see the dates there. The next FOSL or FOST that  
14 was signed was for Building 216 and the railroad trackage.  
15 You can see the dates there. And the last FOST on this page  
16 was the Krueger Lake area. That is the county, Jefferson  
17 County's park parcel. That FOST has been signed and there  
18 are some details that have to be worked on and we expect  
19 that to happen here shortly, probably within the next few  
20 months and that will be transferred to the county. The next  
21 page shows the most recent FOST commonly referred to or  
22 identified as the PaperMill-Woodfill Road area. It shows  
23 you the sequence of events for that FOST when it was put out  
24 for review, when it was concurred to, when it was approved

1 by the Army, and then when it was signed by the Secretary of  
2 the Army. And the last date down there was the end of last  
3 year it was formally transferred. It no longer belongs to  
4 the Army. Are there any questions on leases or transfers?  
5 Okay. The last thing I would like to talk about before I  
6 turn the meeting over to Mike Early is just to remind you  
7 that we are working on a JPG WEB Site for the Internet. We  
8 had a draft that we had reviewed, provided the contractor  
9 with a number of provisions and changes to it. We expect by  
10 the meeting in May to have a demonstration of the RAB - to  
11 the RAB of the WEB Site and then it should be up on the  
12 Internet. It will be fairly inclusive. It will cover not  
13 only the history of JPG and the operation of it when it was  
14 an open facility but also the clean up and natural and  
15 cultural and historical background of the facility north and  
16 south of the firing line. So the first draft had over fifty  
17 (50) pages on it. It will probably be a little bit bigger  
18 than that by the time it gets done. As soon as we have that  
19 we will make an announcement and probably show that at the  
20 May meeting. So if there aren't any questions I will turn  
21 the meeting over to Mike and he can talk about some re-use.

22  
23 **MR. MIKE EARLY:**

24 Thank you very much Paul. Those of you who

1 have been coming to these meetings you know that Paul  
2 usually goes through all this high tech business with his  
3 slides and view graphs and I stay with the low tech side and  
4 have no slides or very few slides. So in keeping with that  
5 I only have a few simple black and white charts. Ah about  
6 three (3) meetings ago the question was asked of me  
7 regarding payment in lieu of taxes. This is a provision in  
8 the government where the federal government has taken away  
9 property from a county or counties and because the federal  
10 government is using that there's a payment in lieu of tax  
11 because a county cannot tax the federal government nor do  
12 they have that available for their - for their use. The  
13 question was asked at that particular RAB meeting - there's  
14 a statute that involves property that is owned by the Fish  
15 and Wildlife Service that is operated as a refuge. And the  
16 question was asked - the statute applies to that. The  
17 question was asked, because the Army has established a  
18 Memorandum of Agreement with the Fish and Wildlife Service  
19 to do natural resource management in our impact area, would  
20 this statute apply? And we did - I went back and researched  
21 that and that stat - that statute does not apply. And it is  
22 very clear in the statute that it is land that is - that is  
23 owned by the Fish and Wildlife Service. So that's - that's  
24 the bad news. As I reported on last month or two (2) months

1       ago at the RAB meeting and that's what I've shown here that  
2       that's the bad news. We found out that statute regarding  
3       the Fish and Wildlife does not apply. However in that  
4       research I did find some good news. We found another law  
5       that is applicable under the Department of Education and if  
6       you in the academics are familiar with some of it, what they  
7       do is they have impact A, things like that where the normal  
8       A is based on the number of children of the military  
9       dependents who are in the schools, local school systems, and  
10      there's a head count and there's a provision for the federal  
11      government then, the Department of Education to provide  
12      money to the counties. So a couple of years ago that  
13      statute was modified and it allows for consideration for  
14      other than head count. In the case of a closed installation  
15      and the specific case in point was Seneca Army Depot in New  
16      York which was a closed base, there is no longer the  
17      military presence that impacts on the school. However the  
18      county is still denied the access to that real estate. And  
19      so there is a mechanism for the counties to apply for aid  
20      based on the amount of property that - of their county that  
21      is controlled by the Army and the assessed value of that  
22      property versus the assessed value of the non-Army  
23      controlled property in that school district. A little  
24      complicated but that's the quick layman's version of that.



1 And we found out about that and so we contacted the  
2 Department of Education and I found out that Jefferson  
3 County is receiving aid under this statute. They received -  
4 they have been receiving aid since 19 - I believe they said  
5 1994. The Department of Education isn't real up to date in  
6 their payments. That was the last year they made payments.  
7 But the focus is that Jefferson County is receiving aid. So  
8 that's good. So then we went with site team's help with  
9 Phil Mann went to the South Ripley School District and the  
10 Jennings County Schools and they are now energized - they  
11 were not into this process. They understand the process.  
12 They've been given the legal references and they have  
13 engaged their county attorney in reviewing this to see if  
14 they qualify for this same aid. So that process is going on  
15 now and it will be up to those counties to apply for that  
16 aid if they qualify. Is there any questions about that?  
17

18 **MR. BOB HUDSON:**

19 Mike is that money fenced?  
20

21 **MR. MIKE EARLY:**

22 In - how do you mean that Bob?  
23  
24

1                   **MR. BOB HUDSON:**

2                   The county receives the money. Can they  
3 use it for just county?  
4

5                   **MR. MIKE EARLY:**

6                   Okay. The money fenced used for general  
7 county expenses? I don't know the answer to that. I would  
8 presume that since it's coming from the Department of  
9 Education rather than the U. S. Treasury that it is probably  
10 fenced for education. Being familiar with my own local  
11 government I would assume that this cou - the county would  
12 be creative enough in their county that you could move it  
13 from one (1) account to another. But I would presume it's  
14 fenced but I don't know the answer to that. The other thing  
15 I would like to talk about tonight is - deals with the - the  
16 impact area. As you recall Jefferson Proving Ground's  
17 fifty-five thousand (55,000) acres. We generally talk about  
18 it in two (2) parts, the cantonment area of about four  
19 thousand (4,000) acres down south and everything north of  
20 the firing line, the impact area fifty-one thousand (51,000)  
21 acres, our impact area. Back in 1994 the - as a part of the  
22 federal property screening process the U. S. Fish and  
23 Wildlife Service made a claim for the impact area to  
24 establish that impact area as a wildlife refuge. They have

1 expressed some concern with the unexploded ordnance that is  
2 there, the depleted uranium and the environmental sites that  
3 are north of the firing line and we've talked about that at  
4 several RAB meetings. And also a concern about the general  
5 liability if someone is injured, how do you - what happens?  
6 And more simply in the day to day operations of that if they  
7 would take title to that what do you do about the liability  
8 things with the environment. If we - if we come in and take  
9 care of what the Army did and they take care of damage or  
10 something that happened as a result of their operations and  
11 the lawyers have a field day with that. And things just  
12 kind of got bogged down. In 1997 the United States Army  
13 TECOM, the command that owns or controls Jefferson Proving  
14 Ground, signed a three (3) year agreement with U. S. Fish  
15 and Wildlife Service to come in and do enhanced echo system  
16 management. And we are paying them some additional money to  
17 do that above and beyond what the Army normally pays for  
18 doing the minimum that is required by the Army. This is  
19 enhanced level of management and enables the Fish and  
20 Wildlife Service to take that and document some of the  
21 important things that have happened in natural resources in  
22 that impact area. Talk about the ten thousand (10,000)  
23 acres that is north of the firing line up across the top  
24 that is one (1) of the largest continuous forests in the

1 Midwest area. You've got five thousand (5,000) acres of  
2 grass lands, quality grass lands that were created by the  
3 Army, not to create grass lands, but it was a by-product of  
4 our clearing impact areas to look at testing of shell  
5 fragments. But what we did is create qualify grass land and  
6 it is one (1) of the five (5) habitats for the Henslow  
7 Sparrow in this country and that is here. Part of this  
8 documentation process that was done by Fish and Wildlife  
9 just recently has led to the American --

10  
11 **MR. PAUL CLOUD:**

12 American Bird Conservancy.

13  
14 **MR. MIKE EARLY:**

15 Thank you. The American Bird Conservancy  
16 designating Jefferson Proving Ground as a globally important  
17 bird area. And in that community this is a significant  
18 ranking, significant designation for this area. So that's  
19 been the product so far of this work. In I guess October of  
20 '97 the regional director of Fish and Wildlife came out to  
21 Jefferson and we toured and Mr. Hardwig directed his staff  
22 to pursue the acquisition of Jefferson Proving Ground impact  
23 area as a national wildlife refuge and do it through special  
24 legislation. And the staff has worked on that. And earlier

1 this month Region Three (3) of Fish and Wildlife Service has  
2 sent a package to the headquarters of the Fish and Wildlife  
3 with recommendations on establishing the impact area as a  
4 national wildlife refuge. And their mechanism to do that  
5 would be special legislation. Now the Army - let me back  
6 up. We - that package is still being staffed at the  
7 headquarters of Fish and Wildlife Service. So we know that  
8 later on this week there will be a briefing by Region Three  
9 (3) to the headquarters of Fish and Wildlife Service to get  
10 a concurrence or get a decision out of the headquarters Fish  
11 and Wildlife on whether or not to proceed with this action.  
12 At that time they - the Fish and Wildlife Service will give  
13 a formal proposal then to the Army that the Army can  
14 evaluate and examine and we are anxiously awaiting - as you  
15 can expect we are anxiously awaiting that package to see  
16 what one (1) have they chosen to go ahead with this  
17 operation? And secondly what are the terms and conditions  
18 that they would establish to have this transfer take place?  
19 So we are eagerly awaiting on that and I look forward to our  
20 next meeting when I can report on the results of that  
21 action. I don't have anything else. Do you have any other  
22 questions of me? Yes sir?

1                   **MR. TIM MALONEY:**

2                   So the proposal from Region Three (3) to  
3                   Fish and Wildlife Service headquarters, does that - it  
4                   sounds like that does not necessarily signal that there's  
5                   been any agreement between the Army and Fish and Wildlife on  
6                   the issues that you've been discussing and debating all  
7                   along?

8  
9                   **MR. MIKE EARLY:**

10                  That's perceptive. There are a number -  
11                  there are two (2) issues in there in the draft that we have  
12                  seen. There are two (2) issues which the Army does not  
13                  agree with. There are probably about a half dozen issues  
14                  where we will have to sit down and negotiate and I think - I  
15                  feel confident that probably something can be worked out.  
16                  Give you an example: the Fish and Wildlife want - had  
17                  proposed that the Army continue to help them maintain the  
18                  roads. And because of a possible concern of UXO being on  
19                  the shoulder of the road, the Army's position is we will  
20                  talk about that if that comes up. But we can certainly send  
21                  a Fish and Wildlife employee or employees to get some Army  
22                  training rather than to continue to shovel contractors in  
23                  and out to help them clear a culvert or - or do some minor  
24                  road work. So the language that discusses liability ah can

1 be resolved. I feel confident in that. It's just that  
2 unfortunately both sides have too many lawyers and I think  
3 if we only left it to one (1) lawyer on each side we could  
4 probably figure it out a lot easier than having team of  
5 lawyers looking at that. Nothing that's - I saw nothing in  
6 there that was insurmountable. There are two (2) issues  
7 that I think are very important. One (1) of those is the  
8 Air National Guard. There is a concern about the retention  
9 of the Air National Guard range and how long that would be  
10 allowed to stay there. That I think will be one (1) of the  
11 significant issues. The other - I think the other  
12 significant issue is a Wildlife Refuge generally has some  
13 public access to it. And the Army and the Fish and Wildlife  
14 Service would have to come to an agreement on just how much  
15 public access there would be in that impact area. So I  
16 think those two (2) issues - in my view those two (2), the  
17 Guard and the public access are probably the - the  
18 highlights. The other issues I think can be worked out.

19  
20 **MR. BOB HUDSON:**

21 Mike if all issues were worked out would it  
22 lead to the transfer then of the property to Fish and  
23 Wildlife?  
24

1                   **MR. MIKE EARLY:**

2                   If all issues are worked out I believe - I  
3 believe that that would lead to the transfer of the property  
4 to the U. S. Fish and Wildlife Service. And a part of that  
5 agreement would be the time phasing of that, how that would  
6 happen, whether it would be all at once or phased in section  
7 by section to be determined. What we really need from the  
8 Fish and Wildlife Service is the final proposal that is  
9 approved by the Service. That's what we really need to look  
10 at. Because no matter what I do or the staff at the region  
11 does, we really need to see what - what the Service comes up  
12 with in Washington. And then we can act on that.

13  
14                   **MS. KAREN MASON-SMITH:**

15                   Is Region Three (3) located in Minnesota?  
16

17                   **MR. MIKE EARLY:**

18                   Yes. Region Three (3) is in the Greater  
19 Minneapolis area. If you are familiar with that  
20 specifically it's in Fort Snell but it's Minneapolis.  
21

22                   **MS. KAREN MASON-SMITH:**

23                   May we have copies of your - of your  
24 slides? Is it possible for us to get copies of the slides



1 that you have?

2

3 **MR. MIKE EARLY:**

4 Yes.

5

6 **MS. KAREN MASON-SMITH:**

7 Okay.

8

9 **MR. MIKE EARLY:**

10 Anyone else? Any questions? Well very  
11 good. As I said I hope to be able to report back at our  
12 next meeting in May - oh I may not be able to report back.  
13 Paul I say that only because our UXO Conference and the BCT  
14 Conference.

15

16 **MR. PAUL CLOUD:**

17 It's actually set up to accommodate that.

18

19 **MR. MIKE EARLY:**

20 Okay.

21

22 **MR. PAUL CLOUD:**

23 So we shouldn't have a problem.

24

1                   **MR. MIKE EARLY:**

2                               Okay good. Very good. Richard do you have  
3 a question?

4  
5                   **MR. RICHARD HILL:**

6                               You mentioned something in there about some  
7 legislative action that is needed to be taken also?

8  
9                   **MR. MIKE EARLY:**

10                              Okay the question about the legislative  
11 mechanism rather than go through the normal process of the  
12 federal to federal transfer of property, the regional  
13 director of Fish and Wildlife chose to utilize special  
14 legislation because the current process is cumbersome for  
15 one (1). And secondly that with the special legislation you  
16 can more clearly definitize certain points because then it  
17 becomes a point of law as opposed to an agreement between  
18 two (2) agencies. This is not uncommon. It has been done  
19 in probably a half a dozen or more instances. Off the top  
20 of my head I can think of Joliet in Illinois; Rocky Mountain  
21 Arsenal in Colorado; Woodbridge Facility in Virginia. At  
22 Ft. Meade they used special legislation to transfer a piece  
23 to the - and these are all Fish and Wildlife by the way - to  
24 the Putaskep Wildlife Refuge. There's --

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**MS. KAREN MASON-SMITH:**

Crab Orchard.

**MR. MIKE EARLY:**

Yeah. Thank you. Crab Orchard which is a Navy I believe? Or who is Crab Orchard?

**MR. PAUL CLOUD:**

Navy I believe..

**MR. MIKE EARLY:**

Navy. But anyway that's a Department of Defense to ah Fish and Wildlife Service. So it is not an uncommon process. I think it's - the players have recognized it. It really is a way to circumvent the very cumbersome bureaucratic process. Any other questions? All right thank you very much.

**MR. PAUL CLOUD:**

Okay. We have come to the part of the meeting where if you have any questions this is the open discussion portion of the meeting. So if you have questions regarding anything that we've either covered tonight or something that we haven't covered tonight that you would

1 like to ask a question on this is your opportunity. So I'll  
2 throw it open and we can either go around the room or see a  
3 hand raised or if we don't see anything Richard and I can  
4 get into some closing remarks and we will be done. So are  
5 there any questions on anything that we've talked about  
6 tonight or any subject that we didn't cover that you would  
7 like to ask a question on? Okay. Let me remind you if you  
8 haven't signed in to please do so that we can make sure that  
9 our mailing list is kept up to date. We will come out with  
10 additional mailings when the next RAB meeting is going to be  
11 scheduled and what the agenda will be. It is scheduled for  
12 the 19th of May. It's in Madison at the Public Library.  
13 It's a Wednesday. Mike did mention there are a couple of  
14 meetings that will occur that he and I and probably John and  
15 Karen will be at earlier in the month. We looked at each  
16 prior to so it shouldn't affect that meeting. So that  
17 meeting should be on the 19th of May at 7 P.M. at the  
18 Library in Madison. That's all I have. Richard do you have  
19 some comments you would like to make before we close the  
20 meeting?

21  
22 **MR. RICHARD HILL:**

23 Well let's see. Of the very few community  
24 RAB members that are here is there any day of the week that

1 is not good for us to get together next month? Or do you  
2 want to talk about that when we adjourn? You are open?  
3

4 **MR. BOB HUDSON:**

5 I can meet at any time.  
6

7 **MR. RICHARD HILL:**

8 I want you to be there.  
9

10 **MR. BOB HUDSON:**

11 I will be there but I can meet anytime.  
12

13 **MR. RICHARD HILL:**

14 Any time.  
15

16 **MR. BOB HUDSON:**

17 Basically.  
18

19 **MR. RICHARD HILL:**

20 Ken had actually mentioned to me the  
21 possibility of having a late afternoon meeting out in his  
22 building.  
23  
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**MR. BOB HUDSON:**

That would be fine.

**MR. RICHARD HILL:**

Okay. We will just have to see probably.  
Okay that's all.

**MR. PAUL CLOUD:**

Okay. If no one has anything else I would  
like to thank people for coming. We will see you in May.  
Thank you.

\* \* \* \* \*

CONCLUSION OF DEPOSITION

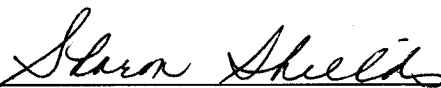
C E R T I F I C A T E

STATE OF INDIANA            )  
                                  ) SS:  
COUNTY OF JEFFERSON        )

I, Sharon Shields, do hereby certify that I am a Notary Public in and for the County of Jefferson, State of Indiana, duly authorized and qualified to administer oaths; That the foregoing public hearing was taken by me in shorthand and on a tape recorder on March 24, 1998 in the Library at North ernon, IN; That this public hearing was taken on behalf of the Jefferson Proving Ground Restoration Advisory Board pursuant to agreement for taking at this time and place; That the testimony of the witnesses was reduced to typewriting by me and contains a complete and accurate transcript of the said testimony.

I further certify that pursuant to stipulation by and between the respective parties, this testimony has been transcribed and submitted to the Jefferson Proving Ground Restoration Advisory Board.

WITNESS my hand and notarial seal this 10th day of April, 1998.

  
\_\_\_\_\_  
Sharon Shields, Notary Public  
Jefferson County, State of Indiana

My Commission Expires: July 2, 1999